

REVIEW OF HEALTH AND SAFETY CONDITIONS
AT THE BANNISTER FEDERAL COMPLEX
KANSAS CITY, MISSOURI
REPORT NUMBER A100116/P/6/R11001
NOVEMBER 8, 2010



U.S. GENERAL SERVICES ADMINISTRATION
Office of Inspector General

Date :November 8, 2010

Reply to

Attn of :Regional Inspector General for Auditing, Heartland Region Field Audit Office (JA-6)

Subject :Review of Health and Safety Conditions at the Bannister Federal Complex
Kansas City, Missouri
Report Number A100116/P/6/R11001

To :Jason O. Klumb
Regional Administrator, Heartland Region (6A)

Mary A. Ruwwe
Regional Commissioner, Heartland Region Public Buildings Service (6P)

This report presents the results of our review of the health and safety conditions at the Bannister Federal Complex (Complex) in Kansas City, Missouri. The review was performed in response to a February 3, 2010, request from United States Senator Christopher Bond.

The report found that the Heartland Region Public Buildings Service (PBS) is currently taking substantial steps to protect the occupants of the Complex and testing has revealed no significant health hazards in GSA-controlled space. However, we determined that prior to 2010, PBS did not have a strong environmental management program for the Complex.

We have included your written comments in Appendix C to this report. If you have any questions regarding this report, please contact me at (816) 926-8615.

A handwritten signature in cursive script that reads "John Walsh".

John F. Walsh
Regional Inspector General for Auditing
Heartland Region Field Audit Office (JA-6)
Kansas City, MO

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INTRODUCTION

On February 3, 2010, Senator Christopher Bond sent a letter to the Inspector General of the General Services Administration (GSA) requesting a review of the environmental conditions at the Bannister Federal Complex (Complex). Specifically, Senator Bond's letter advised that current and former employees at the Complex may have developed serious illnesses and died as a result of exposure to toxic substances. We were asked to determine whether GSA's Public Buildings Service (PBS) took appropriate steps to protect the health and safety of the occupants in PBS space at the Complex. Subsequently, Senator Claire McCaskill and Congressman Emmanuel Cleaver also expressed their support of a review of the conditions at the Complex.

Since November 2009, a Kansas City news station and a Kansas City newspaper have run numerous reports regarding the health of current and former occupants of the Complex. These reports stated that the Complex has a history of known health hazards related to exposure to trichloroethylene (TCE), lead, petroleum hydrocarbons, beryllium, uranium, volatile organic compounds, and polychlorinated biphenyls (PCBs). The news reports further stated that such exposure may have resulted in illnesses and even the deaths of some of the occupants of the Complex. The basis of the news reports was a letter drafted by some occupants of the Complex that included a list of 95 names and indicated that these individuals had contracted cancer or other illnesses related to environmental conditions at the Complex.

Appendix A of this report describes the objective, scope, and methodology of our review in more detail. Appendix B provides a map, current usage information, and historical background of the Complex.

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RESULTS OF REVIEW

In response to employee concerns and various news reports, PBS has taken substantial steps to protect the health of the occupants of the Complex. These recent steps are encouraging, but prior to 2010, PBS did not maintain a strong environmental management curriculum that would have provided positive assurance that the space in the Complex was a safe and healthy work environment.

Current PBS efforts include enlisting the assistance of the U.S. Environmental Protection Agency (EPA)¹ and the Center for Disease Control's National Institute for Occupational Safety and Health (NIOSH). Since January 2010, EPA has been coordinating testing and providing oversight for environmental issues at the Complex. In March 2010, NIOSH began evaluating potential health issues at the Complex. These evaluations included health screening services for current and former Complex occupants. In addition, in February 2010, PBS made modifications to the Complex including the installation of vapor intrusion systems at the child care facility and an adjacent building (Building 50). Testing has revealed no significant health hazards present in the child care facility or in GSA-controlled space.

However, PBS did not always take appropriate steps to protect the health and safety of the occupants at the Complex when presented with evidence of potential hazards. In addition, PBS environmental personnel provided incorrect and misleading information in response to questions about the environmental conditions at the Complex. PBS personnel also did not have a clear understanding of environmental responsibilities pertaining to the GSA-controlled portion of the Complex and did not adequately document or maintain files related to health and safety conditions at the Complex. Finally, PBS may not have complied with the annual reporting requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

As a result, GSA cannot provide assurance that the Complex has historically been a safe and healthy workplace. Further, PBS's actions, along with the dissemination of incorrect information, have damaged GSA's credibility with both building occupants and the general public.

¹ While EPA has been involved in the testing performed at the Complex since January 2010, the formal work plan between GSA and EPA was executed on September 13, 2010. This work plan provides the details of the agreement between GSA and EPA.

No Indication of Current Health Risk at the Complex but Previous PBS Efforts in Environmental Management Were Lacking

Testing conducted in 2010, in response to the Kansas City media allegations, has not identified any significant health hazards at the Complex. However, PBS's current environmental oversight efforts are not representative of its performance in this area during the previous 10-year period. We determined there was a lack of effective environmental oversight at the Complex during that time. As a result, GSA cannot provide assurance that historically, the Complex has been a safe and healthy workplace.

Current Testing Shows No Significant Health Hazards and GSA is Taking Proactive Measures

During 2010, PBS undertook significant efforts to ensure the Complex was free of environmental occupational hazards. These efforts were pursuant to the requirements of Executive Order 12196, 29 CFR² Part 1960.8(a), and GSA Order ADM P5940.1A, which state that GSA must provide all individuals who work in GSA-owned or operated facilities, a safe environment that is free from health hazards. Specifically, the Executive Order states, in part, that the head of each agency shall, "Furnish to employees places and conditions of employment that are free from recognized hazards that are causing or are likely to cause death or serious physical harm."

PBS efforts have included tests for toxic substances at the Complex. These air, soil, and water analyses were generally conducted under the direction of the EPA and have indicated that the occupants of the Complex are not currently at risk from exposure to these substances. GSA has also entered into a work agreement with the EPA to provide assistance and oversight to PBS at the Complex involving environmental matters.

In addition to testing for toxic substances, PBS installed vapor intrusion systems and took other steps to address environmental issues at the Complex. These steps included: (1) testing occupants of the Complex for various illnesses that could be related to toxic substances that have been present at the site, (2) creating an environmental council to assist in the management of environmental issues at the Complex, and (3) taking actions to inform and assist the occupants concerning environmental matters at the Complex.

PBS and the Regional Administrator for GSA's Heartland Region also requested assistance from NIOSH to evaluate the Complex and its occupants for possible health conditions related to exposure to toxic substances. On September 29, 2010, NIOSH provided an interim report regarding GSA's request for a health hazard evaluation. The report states that, to date, NIOSH has found no issues related to beryllium, uranium, or

² Code of Federal Regulations

volatile organic compounds.³ NIOSH stated that a final report will be issued after all tests are completed but did not provide a completion date.

Prior PBS Environmental Management Was Lacking

Prior to 2010, PBS addressed specific issues when raised by tenants but did not have a strong environmental management program for the Complex. Given the known contamination at the Complex and given the requirement to protect the health and safety of building occupants, we believe PBS should have been more vigilant in overseeing environmental issues at the Complex. Further, we are troubled by the lack of knowledge on the part of PBS officials about safety and environmental conditions at the Complex. They were even unaware of their responsibilities for these conditions.

Ad Hoc Testing. Despite initial PBS reports that it performed comprehensive annual and 5-year environmental testing at the Complex, we determined that PBS performed no routine environmental testing. For the period 1999 through 2009, we identified 124 separate environmental tests/analyses/inspections that were performed at the Complex. These evaluations were performed in response to specific incidents and/or requests. They addressed different environmental and health issues including air quality, water analysis, lead analysis, asbestos testing, beryllium testing, PCB sampling, soil analysis, silica dust remediation, and mold sampling. When problems were identified, the documentation indicates that PBS took actions to address the issues.

For a historical perspective on employee work related illnesses, we also reviewed workers' compensation claim information filed by federal employees at the Complex from 1988 through April 9, 2010. During that time period, a total of 4,081 workers' compensation claims were filed, of which 75 accepted claims could possibly be attributable to environmental or chemical exposure. However, these claims were typically for exposure to unusual smells or unidentified liquids with reactions such as coughing or burning of the eyes. None of the 75 claims were related to long term exposure to toxic substances.⁴

Previous ad hoc testing and our review of the workers' compensation claims do not indicate that occupants of the Complex were subjected to sustained toxic substance exposure. However, in the absence of a strong environmental management program, GSA's request to NIOSH to study potential long term health issues is prudent.

Lax Oversight. The PBS approach to environmental issues at the Complex is illustrated by its response to a January 7, 2005, letter from the Missouri Department of Natural Resources (MDNR) regarding environmental conditions at the Complex. MDNR

³ Two samples exceeded the recommended exposure limit (REL) for formaldehyde but the report stated the REL was being re-evaluated and did not state that formaldehyde exposure was an issue at the Complex.

⁴ No claim contained the Nature of Injury Code DE – Occupational Exposure to Chemicals/Toxins/Biological Substance, etc.

prepared the 11-page letter in response to PBS's request for comments on a draft report (relating to TCEs) prepared by a PBS environmental consultant.

The MDNR letter was highly critical of the consultant's report stating,

It appears to the department that the General Services Administration (GSA) believes that they only need to conduct a limited investigation of TCE contamination, speculate on whether Department of Energy's (DOE) remedies are controlling the contamination and conclude that there are no risks to human health or environment under the current conditions.

and

The document is biased towards a conclusion of no further action, where instead, it should focus on what data gaps exist and what further work needs to be done, especially since this is an interim report.

and related to the child care facility,

Instead, the document should propose a complete vapor intrusion study using acceptable methods as outlined in the EPA guidance.

Despite the seriousness of the issues raised in the MDNR letter, PBS took no further substantive investigative action until it initiated a preliminary assessment/site inspection (PA/SI) in July 2006, 18 months after the letter. The PA/SI was not completed until May 2008 (3 1/2 years after the MDNR letter) and the original scope of work did not include action related to the child care facility concerns raised by MDNR. PBS never provided MDNR a response addressing each of MDNR's concerns and the vapor intrusion system that addresses one of MDNR's concerns related to the child care facility was not installed until February 2010 (5 years after the letter). We also noted that on October 7, 2005, MDNR offered to provide assistance to PBS regarding environment issues at the Complex; however, PBS terminated MDNR's environmental oversight contract on October 24, 2005.

While we were informed by PBS personnel that the PA/SI was initiated in response to MDNR's concerns, we noted that PBS file documentation indicates that the PA/SI was performed because the Complex was included on the Federal Agency Hazardous Waste Compliance Docket (Docket) rather than in response to the MDNR letter. Further, we noted that PBS environmental personnel did not inform regional PBS management of MDNR's concerns.

Another example of PBS's lax oversight is reflected in its handling of wells installed to monitor groundwater contamination. PBS installed two monitoring wells at the Northwest portion of the Complex prior to 2002. It installed an additional monitoring well in the same area during 2002 and six more in 2006. However, aside from initial testing

and one test in 2004, these wells were not monitored until the DOE (that operates a three million square foot plant at the Complex) began testing the wells in 2008.

Although PBS is currently diligent in pursuing environmental issues at the site, its efforts were slow to start. In August 2009, a Heartland Region PBS official received a draft letter that was addressed to the two sitting U.S. Senators from the state of Missouri. This letter, which was the basis for later news reports, indicated that over 90 occupants of the Complex had contracted illnesses attributable to contamination at the Complex. The PBS official contacted safety and environmental management personnel about the draft letter and was provided assurances that the Complex was safe. The draft letter was not provided to the Acting Regional Administrator and no work on this issue was performed by the safety and environmental personnel until January 2010, after the environmental conditions at the Complex became the focus of media reports. PBS safety and environmental files did not contain any documentation indicating that the letter was evaluated in any form.

Lack of Knowledge. PBS officials do not appear to have a clear understanding of PBS's environmental responsibilities relative to the GSA-controlled portion of the Complex. For example, PBS environmental personnel could not provide accurate information about the environmental regulations that pertain to the GSA portion of the Complex. PBS environmental personnel often directed us to EPA and DOE for the answers to environmental questions regarding the Complex.

Since the late 1980s, the Complex has been listed in the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS). CERCLIS is an official repository for Superfund data in support of CERCLA. CERCLA (also known as the Superfund Act) Section 120(c) requires EPA to establish a Docket which contains information reported to EPA by federal facilities. Each Docket facility is required to conduct a preliminary assessment to identify and investigate areas potentially contaminated by hazardous waste. EPA's website indicates that GSA completed a preliminary assessment and site inspection for the Complex on January 20, 1989. After this assessment, EPA evaluated the environmental conditions at the Complex and did not place the Complex on the National Priorities List (NPL). The NPL is a listing of sites that are of a higher priority for clean up due to contamination.

PBS environmental personnel could not provide basic information regarding the CERCLA status of the Complex or EPA oversight responsibilities for the Complex. We further note that PBS personnel did not have regular meetings with EPA or DOE environmental staff. We believe that regular interaction with both entities was needed to acquire and maintain a basic knowledge of conditions at the Complex and any related actions that should be taken.

In addition, consistent with the PBS records regarding the January 2005 MDNR letter, the safety and environmental file documentation and interviews with PBS environmental personnel indicate that the environmental personnel generally did not bring environmental issues to the attention of Heartland Region or central office management.

Summary. The lack of proactive environmental management by PBS is a vulnerability for GSA.⁵ PBS should have established a stronger environmental management program because of the history of contaminants at the Complex. Without a comprehensive historical perspective, there is insufficient evidence to conclude that occupants at the Complex were not exposed to toxic substances. At a minimum, PBS environmental personnel should have responded directly and quickly to address MDNR's concerns and the initial allegations of serious illnesses at the Complex. Our review indicates that, not only did PBS environmental personnel fail to quickly take action and respond to concerns, they did not inform regional GSA management that these concerns were raised.

Recommendations

We recommend that the Regional Administrator, GSA Heartland Region, and the Heartland Regional Commissioner, Public Buildings Service,

1. Build on the actions taken during the current year to establish an environmental management program that proactively protects the occupants at the Complex; and
2. Establish controls to ensure that PBS environmental personnel are knowledgeable of the environmental rules and regulations applicable to the Complex.

Incorrect and Misleading Information, Inadequate File Documentation, and Possible Non-Compliance with CERCLA Reporting Requirements Damage GSA's Credibility

PBS often provided erroneous and/or incomplete information to both the public and our office concerning environmental issues at the Complex. Some of this information was incorrect to the point that it misled requestors as to the environmental work performed at the Complex. This problem has damaged GSA's credibility with both building occupants and the general public. In addition, PBS file documentation dealing with environmental issues at the Complex was incomplete and disorganized and PBS may not have complied with CERCLA requirements to annually report on environmental conditions at the Complex.

⁵ This vulnerability was previously raised by the Office of Inspector General (OIG) in national reviews. For example, the OIG's 2006 Review of the PBS Environment Program Management (A050040/P/4/R06003) contained a series of recommendations to implement a national environmental management system; improve the environmental risk index; and strengthen environmental liability reporting.

Incorrect and Misleading Information

In response to questions regarding the safety of the Complex, PBS environmental personnel informed regional agency management and our office that PBS performs “comprehensive” annual and 5-year safety and health evaluations at the Complex. This information was also provided to the public. However, a review of PBS file documentation indicated that no annual or 5-year comprehensive testing for environmental hazards was ever performed. In fact, environmental hazard testing performed was conducted in response to specific issues raised at the Complex and limited to the areas in which the concerns were raised.

Interviews with PBS environmental personnel revealed that these annual and 5-year surveys generally consisted of visual safety walkthroughs and did not include testing for toxic substances such as TCEs, PCBs, and beryllium. Further, these walkthroughs were not documented in PBS files. The PBS individual who performed these reviews stated that notes were taken during the reviews but were discarded after recording any corrective work needed in a computer spreadsheet. During interviews, PBS environmental personnel confirmed that these walkthroughs did not include testing for toxic substances. As a result, because the specific issue raised was related to toxic substances at the Complex, PBS’s response that it performed comprehensive annual and 5-year evaluations was incorrect to the point that it misled people regarding the work performed in these surveys.

In addition, we determined many of PBS’s verbal responses to inquiries from our office about various safety and health issues at the Complex were either incorrect and/or unsupported. Although we requested all information related to environmental issues at the Complex, PBS did not provide the January 7, 2005, MDNR letter to our office. We obtained this letter and other associated correspondence directly from MDNR. When confronted about this, PBS environmental personnel took weeks to locate the document and did not present complete information regarding the letter. Further, in response to questions about the letter and other documentation that was not supplied, a PBS industrial hygienist provided information that was later determined to be incorrect.

In providing incorrect and misleading information PBS has seriously compromised GSA’s credibility with both the occupants of the Complex and the general public. GSA will need to bridge this credibility gap in order to convince Complex tenants and the public that the site will ever be safe.

Inadequate File Documentation

In accordance with 36 CFR Part 1220.30(a), PBS personnel, “. . . must make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. These records must be designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency’s activities.” Federal Acquisition Regulation 4.801 provides additional criteria

regarding file documentation. We determined that PBS did not document or maintain files in accordance with applicable criteria. In addition, PBS could not locate some records that we requested.

Not only is proper documentation a requirement but, more importantly, it substantiates actions taken by government personnel. Additionally, PBS's failure to provide appropriate documentation was the subject of our June 24, 2010, Alert Report⁶ which reported that GSA had not properly responded to a Freedom of Information Act request pertaining to health and environmental conditions at the Complex.

Possible Non-Compliance with CERCLA Reporting Requirements

In accordance with CERCLA Section 120(e)(5), "Each department, agency, or instrumentality responsible for compliance with this section shall furnish an annual report to the Congress concerning its progress in implementing the requirements of this section." We identified one instance, December 29, 1988, where GSA filed an annual report on its implementation of the CERCLA requirements for the Complex.

While the requirements of the CERCLA are applicable to the Complex and to GSA, a PBS official questioned whether the annual reporting requirements are applicable to the Complex if there are no hazardous waste operations to report. We did not identify any criteria that excluded filing an annual report for this reason.

Recommendations

We recommend that the Regional Administrator, GSA Heartland Region, and the Heartland Regional Commissioner, Public Buildings Service,

3. Institute controls to ensure that information provided to the public and in response to other inquiries is accurate and that safety and environmental management personnel maintain complete and organized files in order to provide a complete and accurate basis for the information; and
4. In conjunction with GSA's Office of General Counsel, determine whether GSA is required to file an annual CERCLA report with Congress for the Complex and, if applicable, file the appropriate reports.

Conclusion

Our review determined that current testing performed at the Complex has not identified any significant health hazards present in GSA-controlled space. Further, historical ad hoc testing and our review of workers' compensation claims filed by occupants of the

⁶Alert Report, Review of Health and Safety Conditions at the Bannister Federal Complex, Kansas City, Missouri, Assignment Number A100116/P/6/W10001, dated June 24, 2010.

Complex do not indicate any sustained exposure to toxic substances by GSA occupants. However, it is important to note that not all of the test results have been finalized and the health hazard evaluation being conducted by NIOSH has not been completed.

While the analyses that are currently being performed by NIOSH and EPA will assist in addressing environmental issues at the Complex, PBS should build on these steps to establish a comprehensive environmental management program. An effective environmental management program would also help to strengthen GSA's credibility regarding conditions at the Complex.

Internal Controls

Our evaluation of internal controls in the Heartland Region PBS was limited to those areas necessary to accomplish our objective. The internal controls were deficient to the extent identified in this report.

Management Comments

Regional Management disputed some aspects of the report but agreed with the recommendations. Management's response is included in its entirety as Appendix C.

OIG's Response

We considered Regional Management's comments in preparing the final report. Regional Management, in its response, stated that the report highlighted many lessons learned and improvements that it has already acted upon. However, it mistakenly casts our position as believing that PBS should have conducted more health-related environmental tests. This misconception misses one of the main points of the review: specifically, the problematic actions by the region indicate a lax environmental management program. A strong environmental management program would have taken into consideration the issues at the site, provided a set of actions for dealing with them, supported the decision-making process, and assisted in managing the public's environmental concerns.

APPENDIXES

REVIEW OF HEALTH AND SAFETY CONDITIONS
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APPENDIX A

Objective, Scope, and Methodology

The objective of our review was to determine whether General Services Administration's (GSA's) Public Buildings Service (PBS) took appropriate steps to protect the health and safety of the occupants, including the child care facility, under its control at the Complex.

In order to accomplish our objective, we (1) reviewed and evaluated documentation and files maintained by PBS environmental personnel; (2) examined relevant laws, Executive Orders, regulations, and GSA orders and directives; (3) discussed environmental management with regional and central office PBS personnel; (4) met with the Missouri Department of Natural Resources (MDNR) personnel in Jefferson City, Missouri, where we obtained and reviewed MDNR documentation related to the Complex; (5) interviewed U.S. Environmental Protection Agency (EPA) personnel regarding its roles and responsibilities at the Complex; (6) met with and obtained documentation from PBS's environmental consultant; and (7) obtained and evaluated documentation from the U.S. Department of Labor concerning workers' compensation claims filed by employees at the Complex.

It is important to note that our review covered environmental aspects at the Complex during three different time periods: (1) testing that was performed in 2010; (2) documentation and test results from the 10-year period, 1999 through 2009; and (3) information and documentation prior to 1999. This was necessary in order to properly evaluate what actions GSA was currently taking in contrast to what had previously been done at the Complex. Further, this approach was required because of technological improvements in environmental and health testing over the years as well as the fact that the specific factors/criteria as to what constitutes a health risk (e.g., groundwater contamination by trichloroethylene) have changed. For these reasons, and because of the difficulty in identifying older, relevant documentation, our review concentrated on the time period 1999 through 2010.

Additionally, at our request, both the Department of Energy (DOE) Office of Inspector General (OIG) and EPA OIG are currently conducting separate reviews related to the Complex. The DOE OIG's audit objective is to determine whether the Kansas City Plant had controls in place to protect the environment, and the health and safety of its employees. The EPA OIG's audit objectives are to review EPA Region 7's⁷ actions at the site, specifically focusing on evaluating the various testing methods and results related to Buildings 50 and 52.

⁷ EPA Region 7 has oversight responsibility for the GSA-controlled portion of the Complex.

Objective, Scope, and Methodology (Cont.)

Building 50 houses PBS's field office operation for the Complex and is adjacent to Building 52, which is the child care facility located at the Complex. Further, at the request of PBS and the Regional Administrator for GSA's Heartland Region, the Center for Disease Control's National Institute for Occupational Safety and Health is conducting a health hazard evaluation for the Complex. This evaluation is an assessment to establish whether occupants have been exposed to hazardous materials or harmful conditions and whether these exposures affect an occupant's health. The results of these reviews will be addressed by the specific agencies responsible for conducting them and, as such, are not included in the scope of our review.

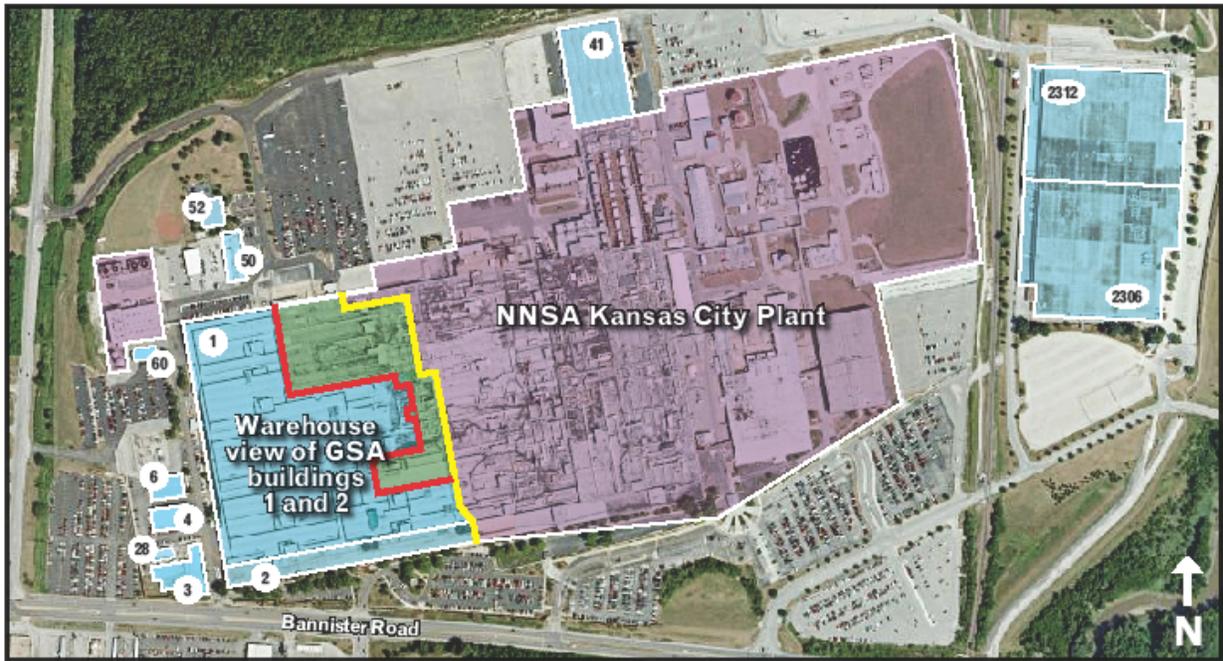
The review was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the review to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our review objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our review objective.

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APPENDIX B

Map of the Bannister Site, Current Usage, and Historical Background

Bannister Federal Complex map



	General Services Administration (GSA) – owned and controlled buildings 1, 2, 3, 4, 6, 28, 41, 50, 52, 60, 2306, 2312		Department of Energy (DOE) / National Nuclear Security Administration (NNSA) – owned and controlled space
	General Services Administration (GSA) – owned / Department of Energy (DOE) / National Nuclear Security Administration (NNSA) – leased and unoccupied space		Property ownership division line
			Firewall

The Bannister Federal Complex (Complex) consists of 310 acres located on Bannister Road in the southern part of Kansas City, Missouri.

The Department of Energy’s (DOE’s) National Nuclear Security Administration (NNSA) currently contracts with Honeywell Federal Manufacturing & Technologies, LLC (Honeywell FM&T) to produce non-nuclear mechanical, electronic, and engineered material components for U.S. national defense systems at the site. DOE controls over 30 buildings totaling over three million square feet of space. Currently there are approximately 2,550 employees in the DOE-controlled portion of the Complex.

Map of the Bannister Site, Current Usage, and Historical Background
(Cont.)

GSA controls the remaining two million square feet in 12 buildings. The GSA-controlled portion is primarily used as office and storage space for numerous government agencies including GSA, the Department of Commerce, the Department of Agriculture, the Department of Veterans Affairs, and the U.S. Marine Corps. In 1989, GSA built a child care facility on the Complex. There are currently approximately 1,400 government employees in the GSA-controlled portion of the Complex and 75 children enrolled in the child care facility.

Historical Background

In 1942, the Complex was developed as a manufacturing plant to build aircraft engines for the U.S. Navy. In 1949, the Bendix Corporation commenced a manufacturing operation for the non-nuclear components of nuclear weapons for the Atomic Energy Commission (now NNSA). NNSA currently contracts with Honeywell FM&T for the manufacturing operation at the Complex.

In the past, chemicals that are currently known to be harmful to humans and the environment were used at the Complex. Portions of the complex have been used for waste disposal and remediation. Upon identifying hazards, various monitoring and remediation efforts have been undertaken at the Complex. Currently, the major contaminants identified at the Complex are trichloroethylene and polychlorinated biphenyls. Over 200 groundwater wells located throughout the Complex monitor the presence of these contaminants which are not in the process of being remediated.

The entire site has undergone many changes and tens of thousands of people have worked at the site over the last 60 years. In the 1990s, for example, the NNSA employed over 6,000 workers and over 4,000 federal employees were housed in the Complex.

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APPENDIX C
Management Response



GSA Heartland Region, Kansas City

John F. Walsh
Regional Inspector General for Auditing
Heartland Region Field Audit Office (JA-6)

Dear Mr. Walsh,

We value the mission of the Inspector General (IG) and have taken many steps to enhance our environmental program since January 2010, many in the areas the audit suggests. The IG's audit report highlights many lessons learned and administrative improvements that we have already acted on. It is important to note that while still in progress, extensive testing to date has not indicated that health risks exist for occupants and visitors of the Complex. Additionally, the National Institute for Occupational Safety and Health (NIOSH), which is completing its Health Hazard Evaluation, has not determined the need for any additional testing of the complex. Two sections of the audit report appropriately focus on the guidelines and regulations that Public Buildings Service (PBS) has potentially violated with its environmental documentation of the Bannister Federal Complex. The report does not reference if PBS violated environmental regulations or industry best practices. It also does not include analysis from environmental experts such as NIOSH or U.S. Environmental Protection Agency (EPA).

The first pertinent discussion relates to PBS' potential violation of General Services Administration (GSA) document retention policy. The second discussion focuses on PBS' potential violation of written CERCLA reporting requirements. The remainder of the report is based on the underlying belief of the IG that PBS should have performed more health-related environmental tests. To date, this belief is not supported by the expert investigative team from NIOSH. And at no point throughout the documents does it state that PBS violated federal, state or local environmental regulations.

1) Use of the word: misleading

Mislead is synonymous with to deceive. At no point did PBS seek to intentionally deceive the public or any government officials. It is one of several superlative statements in the report that is meant to evoke an emotional reaction from its reader and is without supporting evidence that PBS personnel sought to intentionally deceive the public or employees.

U.S. General Services Administration
1500 E. Bannister Road
Kansas City, MO 64131

Management Response (Cont.)

The report also includes emotional phrases such as “significant health concerns” (suggesting that non-significant health concerns exists), “we believe” (instead of: we find, we conclude), “we are troubled” (a direct emotional response), “they were even unaware” (‘even’ is an emotional descriptor), “not subjected to sustained toxic exposure” (suggesting that un-sustained toxic exposure has occurred), “will ever be safe (discussed below)”, etc.

2) Statement: “Without a comprehensive historical perspective, there is insufficient evidence to conclude that occupants at the Complex were not exposed to hazardous toxins.”

--Page 6, paragraph 6

This conclusion, or any similar conclusion, should be left to the specialized doctors, scientists and experts of NIOSH. Such determinations will be included in their Health Hazard Evaluation.

3) Statement: “convince Complex tenants and the public that the site will ever be safe”

--Page 8, paragraph 3

This statement is another example of the report's superlative tone and assumes the Complex is not currently safe. To date, there has been no indication from the *health and environmental experts* at NIOSH or EPA that the facility is unsafe. As stated earlier in the IG report, “Testing has revealed no significant health hazards.”

4) Statement: “However, PBS did not always take appropriate steps to protect the health and safety of the occupants at the Complex when presented with evidence of potential hazards.”

--Page 2, paragraph 3

The phrasing “when presented with evidence of potential hazards,” it is a direct contradiction to this statement on page four, first paragraph: “Prior to 2010, PBS addressed specific issues when raised by tenants but did not have a strong environmental management program for the Complex” and this statement on page four, paragraph two: “When problems were identified, the documentation indicates that PBS took actions to address the issues.”

IG Recommendations: PBS Actions to Date

We recommend that the Regional Administrator, GSA Heartland Region, and the Heartland Regional Commissioner, Public Buildings Service, Build on the actions taken during the current year to establish an environmental management program that proactively protects the occupants at the Complex; and Since early 2010, PBS has worked closely with the EPA to develop a comprehensive testing program of GSA-managed space at the Complex. Testing includes beryllium and uranium dust and air sampling, air sampling for PCBs and VOCs, an additional sub-slab ventilation system installation, and soil and groundwater testing.

Management Response (Cont.)

GSA has also established an inter-agency leadership council, comprised of senior leaders from EPA, Missouri Department of Natural Resources, National Nuclear Security Administration and GSA to discuss environmental issues and the repurposing of the Complex.

GSA and EPA have also established a community advisory panel to provide input on environmental issues and repurposing, and to serve as a conduit for public outreach.

GSA also requested a Health Hazard Evaluation of GSA-managed space by NIOSH. At the evaluation's conclusion, GSA will actively address any suggestions provided by NIOSH.

Establish controls to ensure that PBS environmental personnel are knowledgeable of the environmental rules and regulations applicable to the Complex. PBS is currently developing an action plan that outlines clear responsibilities within the safety and environmental group. It includes the review and update of individual development plans to ensure adequate knowledge and education in the respective program areas.

Institute controls to ensure that information provided to the public and in response to other inquiries is accurate and that safety and environmental management personnel maintain complete and organized files in order to provide a complete and accurate basis for the information; and Since March 2010, all information released has been extensively vetted, and is required to have supporting documentation prior to release. PBS is currently organizing and cataloging all historical tests conducted within GSA-managed space.

PBS also revised the electronic record storage process to ensure information is easily accessible, complete and without duplication. In conjunction with GSA's Office of General Counsel, determine whether GSA is required to file an annual CERCLA report with Congress for the Complex and, if applicable, file the appropriate reports.

The safety and environmental team will meet with regional and Central Office counsel to verify GSA's responsibilities under CERCLA. The EPA environmental work plan being executed will further define GSA's CERCLA responsibilities.

Sincerely,

A handwritten signature in blue ink that reads "Mary Ruwwe" with "(FOR)" written in smaller letters to the right.

Mary Ruwwe
Regional Commissioner

REVIEW OF HEALTH AND SAFETY CONDITIONS
AT THE BANNISTER FEDERAL COMPLEX
KANSAS CITY, MISSOURI
REPORT NUMBER A100116/P/6/R11001

APPENDIX D
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